



# HOUSE JOINT RESOLUTION No. 5

## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Articles 4 and 5 of the Indiana Constitution.

**Synopsis:** Supermajority requirement for tax increases. Provides that a bill to increase state taxes or impose a new state tax may not become law unless: (1) the bill is approved by a two-thirds majority vote in each house of the general assembly; or (2) the tax increase or new tax is approved in a statewide referendum. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

**Frizzell**

January 8, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE JOINT RESOLUTION No. 5

A JOINT RESOLUTION proposing an amendment to Articles 4 and 5 of the Indiana Constitution concerning the general assembly.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendments to the Constitution of the
- 2 State of Indiana are proposed and agreed to by this, the One Hundred
- 3 Fifteenth General Assembly of the State of Indiana, and are referred to
- 4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 4, SECTION 25 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
- 7 FOLLOWS: Section 25. **(a) Except as provided in subsection (b),** a
- 8 majority of all the members elected to each House shall be necessary
- 9 to pass every bill or joint resolution. ~~and~~ All bills and joint resolutions
- 10 ~~so~~ passed **under this subsection or subsection (b)** shall be signed by
- 11 the Presiding Officers of the respective Houses.
- 12 **(b) A bill that increases state tax rates or establishes a new state**
- 13 **tax may not become law unless:**



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- 1           **(1) at least two-thirds of the members elected to each House:**  
 2               **(A) declare that an emergency exists; and**  
 3               **(B) vote to approve the bill; or**  
 4           **(2) a majority of the persons voting in a statewide referendum**  
 5               **approve the tax increase or new tax.**

6           SECTION 3. ARTICLE 5, SECTION 14 OF THE CONSTITUTION  
 7           OF THE STATE OF INDIANA IS AMENDED TO READ AS  
 8           FOLLOWS: Section 14. (a) Every bill which shall have passed the  
 9           General Assembly shall be presented to the Governor. The Governor  
 10          shall have seven days after the day of presentment to act upon such bill  
 11          as follows:

12           (1) He may sign it, in which event it shall become a law.

13           (2) He may veto it:

14               (A) In the event of a veto while the General Assembly is in  
 15               session, he shall return such bill, with his objections, within  
 16               seven days of presentment, to the House in which it originated.

17               If the Governor does not return the bill within seven days of  
 18               presentment, the bill becomes a law notwithstanding the veto.

19               (B) If the Governor returns the bill under clause (A), the  
 20               House in which the bill originated shall enter the Governor's  
 21               objections at large upon its journals and proceed to reconsider  
 22               and vote upon whether to approve the bill. The bill must be  
 23               reconsidered and voted upon within the time set out in clause  
 24               (C). If, after such reconsideration and vote, a majority of all  
 25               the members elected to that House shall approve the bill, it  
 26               shall be sent, with the Governor's objections, to the other  
 27               House, by which it shall likewise be reconsidered and voted  
 28               upon, and, if approved by a majority of all the members  
 29               elected to that House, it shall be a law.

30               (C) If the Governor returns the bill under clause (A), the  
 31               General Assembly shall reconsider and vote upon the approval  
 32               of the bill before the final adjournment of the next regular  
 33               session of the General Assembly that follows the regular or  
 34               special session in which the bill was originally passed. If the  
 35               House in which the bill originated does not approve the bill  
 36               under clause (B), the other House is not required to reconsider  
 37               and vote upon the approval of the bill. If, after voting, either  
 38               House fails to approve the bill within this time, the veto is  
 39               sustained.

40               (D) In the event of a veto after final adjournment of a session  
 41               of the General Assembly, such bill shall be returned by the  
 42               Governor to the House in which it originated on the first day

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that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor which is signed by him or on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

**(d) Notwithstanding subsection (a), a bill that increases state tax rates or establishes a new state tax does not become law over the veto of the Governor unless two-thirds of the members elected to each House approve the bill after reconsideration.**

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